

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USCA Docket Number:

USDC Docket Number : 04-cr-10348

United States of America

v.

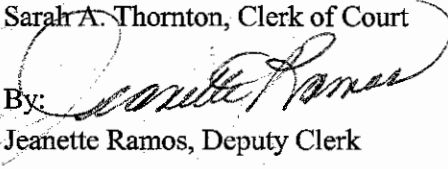
Mario Rodriguez Peralta

CLERK'S CERTIFICATE

I, Sarah A Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 11/7/05.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on December 9, 2005.

Sarah A. Thornton, Clerk of Court

By: 
Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 12/9/05.


Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL, INTERP

**United States District Court
District of Massachusetts (Boston)
CRIMINAL DOCKET FOR CASE #: 1:04-cr-10348-MEL-ALL**

Case title: USA v. Peralta

Date Filed: 11/23/2004

Assigned to: Senior Judge Morris E.
Lasker

Defendant

Mario Rodriguez Peralta (1)

TERMINATED: 10/27/2005

also known as

Mario Rodriguez (1)

TERMINATED: 10/27/2005

also known as

Mario P. Rodrigues (1)

TERMINATED: 10/27/2005

also known as

Mario Rodriguez Jose Rivera (1)

TERMINATED: 10/27/2005

also known as

Tomas Alvarez (1)

TERMINATED: 10/27/2005

also known as

Mario Rodrigues (1)

TERMINATED: 10/27/2005

also known as

Mario Rivera (1)

TERMINATED: 10/27/2005

represented by **Page Kelley**

Federal Defenders

408 Atlantic Avenue

Boston, MA 02210

617-223-8061

Fax: 617-223-8080

Email: page_kelley@fd.org

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Public Defender or

Community Defender Appointment

Pending Counts

8:1326 Illegal RE-entry of Deported

Alien

(1)

Disposition

Interpreter Laura Eastment sworn; The defendant is committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 48 months. The defendant to be credited with time served from November 24, 2004. The defendant is remanded to the custody of the United States Marshal. Upon release the defendant shall be on supervised release for a term of 36 months. The defendant shall comply with the standard conditions of

supervised release, plus the special conditions of supervised release. Assessment in the amount of \$100. 00 is due immediately.

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

represented by **Nadine Pellegrini**
 United States Attorney's Office
 John Joseph Moakley Federal
 Courthouse
 1 Courthouse Way
 Suite 9200
 Boston, MA 02210
 617-748-3107
 Fax: 617-748-3951
 Email: nadine.pellegrini@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/23/2004	1	INDICTMENT as to Mario Rodriguez Peralta (1) count(s) 1. (Gawlik, Cathy) (Entered: 11/24/2004)
11/24/2004	2	Arrest Warrant Issued as to Mario Rodriguez Peralta. (Gawlik, Cathy) (Entered: 11/24/2004)
11/24/2004	2	Judge Morris E. Lasker : ORDER entered ORDER REFERRING CASE to Magistrate Judge Marianne B. Bowler Reason for referral: pretrial proceedings as to Mario Rodriguez Peralta (Gawlik, Cathy) (Entered: 11/24/2004)
11/24/2004	3	Electronic Clerk's Notes for proceedings held before Magistrate Judge Marianne B. Bowler: Initial appearance for Mario Rodriguez Peralta held

		on 11/24/2004; Nadine Pellegrini for the govt. and Page Kelly for the deft.; Joaquin Font, Spanish interpreter; Deft. is informed of the charges, his rights and right to counsel; Deft. cannot afford counsel and will complete the financial affidavit; Deft. is sworn and court begins to question deft.; Counsel for the deft. asks to defer questioning at this time; Govt. moves for detention and continuance; Detention hearing is set for 12/1/2004 at 10:00 AM; Deft. is remanded to the custody of the U.S. Marshals. (Tape #Digital.) (Saccoccio, Dianalynn) (Entered: 11/24/2004)
11/29/2004	6	Arrest Warrant Returned Executed on 11/24/04. as to Mario Rodriguez Peralta. (Howarth, George) (Entered: 12/02/2004)
12/01/2004	3	Judge Marianne B. Bowler: ORDER entered ORDER OF VOLUNTARY DETENTION WITHOUT PREJUDICE as to Mario Rodriguez Peralta. (Bowler, Marianne) (Entered: 12/01/2004)
12/01/2004		Electronic Clerk's Notes for proceedings held before Magistrate Judge Marianne B. Bowler: Arraignment for Mario Rodriguez Peralta (1) count 1 held on 12/1/2004; Nadine Pellegrini for the govt. and Page Kelley for the deft.; Joaquin Font, Spanish interpreter; Counsel for deft. informs the court that the deft. consents to detention without prejudice at this time; The court will issue an order of voluntary detention forthwith; Deft. waives the reading of the indictment in its entirety and pleads not guilty to count 1; The govt. anticipates four witnesses and the trial to last two days; The court sets an initial status conference on 1/12/2005 at 10:30 AM; Deft. remanded to the custody of the U.S. Marshals. (Tape #Digital.) (Saccoccio, Dianalynn) (Entered: 12/01/2004)
12/01/2004	4	Magistrate Judge Marianne B. Bowler: ORDER entered: ORDER APPOINTING FEDERAL PUBLIC DEFENDER for Mario Rodriguez Peralta; Page Kelley for Mario Rodriguez Peralta appointed. (Saccoccio, Dianalynn) (Entered: 12/01/2004)
12/01/2004	5	CJA 23 Financial Affidavit by Mario Rodriguez Peralta (Saccoccio, Dianalynn) (Entered: 12/01/2004)
01/11/2005	7	Assented to MOTION to Continue <i>Status Conference</i> as to Mario Rodriguez Peralta. (Kelley, Page) (Entered: 01/11/2005)
01/11/2005		Judge Marianne B. Bowler: Electronic ORDER entered granting 7 Motion to Continue as to Mario Rodriguez Peralta(1). (Bowler, Marianne) (Entered: 01/11/2005)
01/11/2005		Set/Reset Hearings for Mario Rodriguez Peralta: Initial status conference reset for 3/8/2005 at 10:30 AM in Courtroom 25 before Magistrate Judge Marianne B. Bowler. (Saccoccio, Dianalynn) (Entered: 01/11/2005)
03/08/2005	8	Joint MOTION for Excludable Delay from 3/8/05 to 4/14/05 as to Mario Rodriguez Peraltaby Mario Rodriguez Peralta, USA. (Pellegrini, Nadine) (Entered: 03/08/2005)
03/08/2005	9	STATUS REPORT by Mario Rodriguez Peralta, USA as to Mario Rodriguez Peralta (Pellegrini, Nadine) (Entered: 03/08/2005)

03/08/2005	●	Electronic clerk's notes for proceedings held before Magistrate Judge Marianne B. Bowler: Initial status conference for Mario Rodriguez Peralta held on 3/8/2005; Nadine Pellegrini for the govt. and Page Kelley for the deft.; Counsel for the deft. requests additional time and the govt. is amenable; A final status conference is set for 4/14/2005 at 2:30 PM; Parties agree to exclude the time from today to 4/14/2005 and the govt. will file an assented to motion to exclude the time. (Tape #Digital.) (Saccoccio, Dianalynn) (Entered: 03/09/2005)
03/09/2005	●	Judge Marianne B. Bowler: Electronic ORDER entered granting <u>8</u> Motion to Exclude as to Mario Rodriguez Peralta(1). (Bowler, Marianne) (Entered: 03/09/2005)
04/14/2005	●	Electronic clerk's notes for proceedings held before Magistrate Judge Marianne B. Bowler: Further status conference for Mario Rodriguez Peralta held on 4/14/2005; Nadine Pellegrini for the govt. and Page Kelley for the deft.; Counsel for the deft. indicates that the deft. may be retaining counsel to handle his case and requests a further status conference 45 days from today for further discussion with the deft.; The govt. is amenable to the request; A further status conference is set for 5/26/2005 at 10:00 AM; The parties agree to exclude the time from today to 5/26/2005 and the govt. will file an assented to motion to exclude the time. (Tape #Digital.) (Saccoccio, Dianalynn) (Entered: 04/14/2005)
04/14/2005	● <u>10</u>	Second MOTION for Excludable Delay from April 14, 2005 to May 26, 2005 as to Mario Rodriguez Peralta by Mario Rodriguez Peralta, USA. (Pellegrini, Nadine) (Entered: 04/14/2005)
04/15/2005	●	Judge Marianne B. Bowler: Electronic ORDER entered granting <u>10</u> Motion to Exclude as to Mario Rodriguez Peralta(1). (Bowler, Marianne) (Entered: 04/15/2005)
05/25/2005	● <u>11</u>	Assented to MOTION to Continue <i>Status Date for Two Weeks</i> as to Mario Rodriguez Peralta. (Kelley, Page) (Entered: 05/25/2005)
05/25/2005	●	Judge Marianne B. Bowler: Electronic ORDER entered granting <u>11</u> Motion to Continue as to Mario Rodriguez Peralta(1). The status conference is continued until June 15, 2004 at 2:30 p.m. (Bowler, Marianne) (Entered: 05/25/2005)
06/13/2005	● <u>12</u>	Joint MOTION to Transfer Case to <i>District Court for Rule 11 Hearing</i> as to Mario Rodriguez Peralta by Mario Rodriguez Peralta, USA. (Pellegrini, Nadine) (Entered: 06/13/2005)
06/13/2005	● <u>13</u>	Joint MOTION for Excludable Delay from May 26, 2005 to June 13, 2005 as to Mario Rodriguez Peralta by Mario Rodriguez Peralta, USA. (Pellegrini, Nadine) (Entered: 06/13/2005)
06/13/2005	● <u>14</u>	STATUS REPORT <i>Final and Jointly Filed</i> by Mario Rodriguez Peralta, USA as to Mario Rodriguez Peralta (Pellegrini, Nadine) (Entered: 06/13/2005)
06/15/2005	●	Judge Marianne B. Bowler: Electronic ORDER entered granting <u>12</u>

		Motion to Transfer Case as to Mario Rodriguez Peralta(1) and granting <u>13</u> Motion to Exclude as to Mario Rodriguez Peralta(1). (Bowler, Marianne) (Entered: 06/15/2005)
06/15/2005	<u>15</u>	Magistrate Judge Marianne B. Bowler: ORDER entered; REPORT AND ORDER on Final Status Conference for Mario Rodriguez Peralta. (Saccoccio, Dianalynn) (Entered: 06/15/2005)
06/15/2005		Judge update in the case of Mario Rodriguez Peralta; Magistrate Judge Marianne B. Bowler no longer assigned to the case. (Saccoccio, Dianalynn) (Entered: 06/15/2005)
06/23/2005		NOTICE OF HEARING as to Mario Rodriguez Peralta Change of Plea Hearing set for 7/5/2005 02:00 PM in Courtroom 8 before Judge Morris E. Lasker. (Howarth, George) (Entered: 06/23/2005)
07/05/2005		Clerk's Notes for proceedings held before Judge Morris E. Lasker : Interpreter Laura Eastment sworn; Change of Plea Hearing as to Mario Rodriguez Peralta held on 7/5/2005, Plea entered by Mario Rodriguez Peralta (1) Guilty Count 1. Sentencing set for 9/29/2005 02:15 PM in Courtroom 8 before Judge Morris E. Lasker. (Court Reporter Richard Romanow.) (Howarth, George) (Entered: 07/06/2005)
07/05/2005	<u>16</u>	Judge Morris E. Lasker : ORDER entered. PROCEDURAL ORDER re sentencing hearing as to Mario Rodriguez Peralta Sentencing set for 9/29/2005 02:15 PM in Courtroom 8 before Judge Morris E. Lasker. (Howarth, George) (Entered: 07/06/2005)
09/06/2005	<u>17</u>	Assented to MOTION to Continue <i>Sentencing</i> as to Mario Rodriguez Peralta. (Kelley, Page) (Entered: 09/06/2005)
09/07/2005		Judge Morris E. Lasker : ORDER entered granting <u>17</u> Motion to Continue as to Mario Rodriguez Peralta (1) Sentencing set for October 26, 2005 at 2:15 p.m (Howarth, George) (Entered: 09/07/2005)
09/07/2005		NOTICE OF RESCHEDULING the Sentencing as to Mario Rodriguez Peralta Sentencing is now set for 10/26/2005 02:15 PM in Courtroom 8 before Judge Morris E. Lasker. (Howarth, George) (Entered: 09/07/2005)
10/21/2005	<u>18</u>	SENTENCING MEMORANDUM by Mario Rodriguez Peralta (Kelley, Page) (Entered: 10/21/2005)
10/25/2005	<u>19</u>	Memorandum regarding Sentencing as to Mario Rodriguez Peralta (Pellegrini, Nadine) (Entered: 10/25/2005)
10/26/2005		ElectronicClerk's Notes for proceedings held before Judge Morris E. Lasker :Sentencing held on 10/26/2005 for Mario Rodriguez Peralta (1), Count(s) 1, Interpreter Laura Eastment sworn; The defendant is committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 48 months.The defendan to be credited with time served from November 24, 2004. The defendant is remanded to the custody of the United States Marshal. Upon release the defendant shall be on supervised release for a term of 36 months. The defendant shall comply with the standard conditions of supervised release, plus the

		special conditions of supervised release. Assessment in the amount of \$100. 00 is due immediately.. (Court Reporter Carol Scott.) (Howarth, George) (Entered: 10/27/2005)
10/27/2005	20	Judge Morris E. Lasker : ORDER entered. JUDGMENT as to Mario Rodriguez Peralta (1), Count(s) 1, Interpreter Laura Eastment sworn; The defendant is committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 48 months. The defendant to be credited with time served from November 24, 2004. The defendant is remanded to the custody of the United States Marshal. Upon release the defendant shall be on supervised release for a term of 36 months. The defendant shall comply with the standard conditions of supervised release, plus the special conditions of supervised release. Assessment in the amount of \$100. 00 is due immediately. (Attachments: # 1 Exhibit A) (Howarth, George) (Entered: 10/28/2005)
10/27/2005	21	Judge Morris E. Lasker : ORDER entered. STATEMENT OF REASONS as to Mario Rodriguez Peralta (Howarth, George) (Entered: 10/28/2005)
11/07/2005	22	NOTICE OF APPEAL by Mario Rodriguez Peralta Filing fee \$ 255. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 11/28/2005. (Kelley, Page) (Entered: 11/07/2005)